

JAP7 Rec'd PCT/PTO 10 APR 2006

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER  MONT-028/01US
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  not yet assigned <b>10/575528</b>
INTERNATIONAL APPLICATION NO. PCT/US2004/033410	INTERNATIONAL FILING DATE 12 October 2004	PRIORITY DATE CLAIMED 10 October 2003
TITLE OF INVENTION PRODUCTION OF GLUTEN-FREE FOOD PRODUCTS USING TIMOTHY GRASS		
APPLICANT(S) FOR DO/EO/US Duane L. Johnson, Bettie C. Stanislao and David C. Sands		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 37 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.75.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

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not yet assignedIntr. Application No.  
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		The following fees are submitted:		CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/>	Basic national fee (37 CFR 1.492(a))		\$300.00	300.00
22.	<input checked="" type="checkbox"/>	Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$0.00	200.00
		All other situations		\$200.00	
23.	<input checked="" type="checkbox"/>	Search fee (37 CFR 1.492(b))  If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$0.00	400.00
		Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100.00	
		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		\$400.00	
		All other situations		\$500.00	
<b>TOTAL OF 21, 22 AND 23 =</b>				<b>900.00</b>	
	<input type="checkbox"/>	Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (3) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
-100=	/50 =			x \$250.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		24- 20 =	4	x \$50.00	200.00
Independent claims		10- 3 =	7	x \$200.00	1,400.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$370.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$ 2,500.00</b>
[X] Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.					\$1,250.00
<b>SUBTOTAL =</b>					<b>\$1,250.00</b>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(i)).					\$
<b>TOTAL NATIONAL FEE =</b>					<b>\$1,250.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					\$
<b>TOTAL FEES ENCLOSED =</b>					<b>\$1,250.00</b>
					Amount to be refunded: \$
					charged: \$
a. <input type="checkbox"/>	A check in the amount of \$ to cover the above fees is enclosed.				
b. <input checked="" type="checkbox"/>	Please charge my Deposit Account No. 50-1283 in the amount of \$1,250.00 to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No 50-1283. A duplicate copy of this sheet is enclosed.				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International application to pending status.					

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*Rg. 43, 255*

NAME

40,420

REGISTRATION NUMBER

CUSTOMER NUMBER: **58249**